

TOWN AND COUNTY ROADS AND RIGHT OF WAY COMMITTEE

Issues Update, August 24, 2006

Allen Reinhard, Chairman

R&ROW Members,

I am writing to bring everyone up-to-date on outstanding right of way issues before our committee. Nothing has come up requiring a vote or meeting, and I understand we all have busy summer schedules. Therefore, this update.

Tennessee Avenue takings: The County Commissioners last night (August 23) voted 3 to 1 (Glowacki absent, Bennett opposed) to take the full layout of Tennessee Avenue including both paved and unpaved sections to Cambridge Street, and the perpendicular ways including the section of K Street from Tennessee Ave. to the public land on Hither Creek. This has been a long-term project overseen by Andrew Vorce. He deserves credit for seeing this project to completion.

Old Settlers Burial Ground: This is another ongoing project involving the new property owner of 200 Cliff Road, The Anglers Club, the Land Bank, the NHA, the new Cemetery Commission Work Group, and the Town.

What needs to happen here is a plan including:

- * A small parking area on Land Bank Property
- * An easy path for pedestrian, and equipment access to maintain the cemetery
- * Brush cutting the way on the northwest corner of the cemetery
- * An agreement with the owner of the lot that includes the public way regarding a landscape design that recognizes the public way and the public's right to access this important historic site
- * Someone to create and oversee the implementation of this plan and arrange for the work to be done and funds to pay expenses

One role our committee can play is to co-ordinate the various parties to devise and implement such a plan. John Stackpole and I represent several of the interested parties and have met individually with Mr. Glazier. We will continue to see how best to resolve this right of way issue and define a proper public access to this historic site.

Eel Point Road: There are two recent events affecting the private portion of Eel Point Road and the public access to Dionis Beach off Eel Point Road opposite Ranger Road. The Eel Point Road Association Inc. and the Eel Point Association, Inc., two separate groups, contacted the Town regarding the maintenance of Eel Point Road through their attorney, Kevin Dale. The opportunity here is to contact these two groups of property owners regarding a voluntary taking or easement of this road, which is on our priority taking list. I have asked Andrew Vorce how best to proceed on this issue.

The second issue in this area is the construction of a new house near the way from Eel Point Road to Dionis Beach. As of today (August 24) excavation of the site is taking place to install a new septic system. A neighbor is concerned that the public way has been encroached upon. The situation is being investigated to see what the public right of way interest might be. This way provides access to Dionis Beach.

Smooth Hummocks Road (adjacent Bartlett Farm): John Bartlett, an abutting property owner, contacted the Town requesting the status of Smooth Hummocks Road, a road on our priority takings list. He requested the Roads and Right of Way Committee and the NP&EDC Director see what needs to be done to accomplish this taking. It is time to decide whether the county should assume maintenance responsibility and take this private road as public county road. Andrew is looking into the process and ownership and what is needed to make this road public.

East Creek Road: This road escaped our attention when we were revising the Priority Taking list last winter. This road (called “Way to the Creeks” on earlier maps) connects two public ways, Orange Street and Spruce Street, and is the entrance to Our Island Home. A new storm drain is to be constructed along this private way. East Creek Road should be a public way and a possible access to the creeks. The NP&EDC is looking at the situation and will recommend the best way for the ROW Committee to proceed with this taking.

Washing Pond Road: We are now waiting for signatures from just two property owners to sign off on this taking. If the remaining signatures cannot be obtained by the end of summer, Andrew thinks we should go with what we have and deal with the non-signers at a later time. With the public use of the beaches owned by the Conservation Foundation and the Land Bank at the end of this road, I agree that this taking should be pushed along.

Spruce Street: The Land Court has still not signed off on the deal between the Town and the Langs, the property owners at the end of Spruce Street. You saw the photo of the sign Andrew had the DPW install showing the public way at our last meeting. The Town doesn’t own the fee simple interest in the way until the Land Court signs off and files the decision. Andrew has asked Town Council to inquire as to the delay so this way can finally be cleared of obstructions.

Right of Way Improvement Plan Outline: The ROW plan has been moving ahead at a slower pace than I anticipated. Lack of funding for the research portion of the ROW Plan and my own lack of time to spend on research has slowed the development of the plan. I have been concentrating on what improvements can be made regarding the public’s right to access beaches, ponds, moorlands, and other areas of our island. I have identified nine “improvements” so far that a ROW Improvement Plan might include. The Nantucket Civic League is interested in sponsoring a forum this winter on public right of way issues. It looks like a busy winter with all the issues competing for attention. I anticipate that our

plan should be ready for consideration by the Selectmen/County Commissioners by spring, probably after Town Meeting.

Surfside Takings: An informal meeting of property owners along Surfside Beach will take place this Monday (August 28) to see if an agreement can be reached with the so-called Surfside Six property owners based on the plan Andrew presented at our last meeting. Representatives from the Town will be in attendance. An agreement defining public access to beaches in this area would be a major achievement for the Town and all residents of the community, and would clear up outstanding issues for the affected property owners. Andrew, Whitey Willauer and I will be in attendance in an effort to see if an agreement can be reached.

None of these items requires a vote or any specific action on the part of the R&ROW Committee at this time. I will call a meeting of the committee after mid-September once the season has quieted down. If you have any questions or comments, contact me by e-mail or call me at 508-221-8128. I hope this update is helpful.

Allen Reinhard, Chairman